

and say how much of the purchase money remained unpaid in the life-time of the said Jeremiah Booth, and how much yet remains unpaid; and that they bring into Court that which is still due on or before the 15th day of August next; or shew cause. Provided that a copy of this order, together with a copy of the said petition, be served on the said Garner, and on Llewellyn and wife on or before the 20th instant.

* To this order Garner made answer on oath, as required, by returning two of the bonds given by the purchaser which had not been paid; and by filing a copy of an account taken from his intestate's books shewing a balance of \$11.69 due him as trustee.

After which the defendants Ann Jordan and Richard Jordan by their petition stated, that the two bonds given by the purchaser, and lately brought into Court, still remained unpaid; that the purchaser Jeremiah Booth, deceased, had not left personal estate sufficient to pay the said debt; and that there was then no trustee to
288 *complete the trust. Whereupon it was prayed, that a new trustee might be appointed; that the real estate which had been bought by the said Booth might be re-sold for the payment of the balance of the purchase money; and that they might have such relief as the nature of their case required.

BLAND, C., 3d January, 1826.—Ordered, that William D. Merrick of Charles County, be appointed trestee in place of the said James Cook, deceased, with all the powers with which the said Cook was invested by the decree of the 30th of June, 1810; and that he give bond, &c. in the penal sum of \$5,000. And it is further ordered, that the said trustee hereby appointed proceed to make sale of the said real estate according to the terms of the said decree, unless the said John Llewellyn and Mary his wife shew good cause to the contrary on or before the 14th day of February next. Provided that a copy of this order, together with a copy of the said petition, be served on the said Llewellyn and wife on or before the 17th of the present month.

Llewellyn and wife, on the 9th of February, 1826, filed their answer to this petition, shewing cause as allowed by this order, in which answer they state among other things, that their intestate Booth had purchased the real estate as stated; that he died on the tenth of November, 1824; and that sundry payments had been made by him to Edmund Key, the guardian of the petitioners under the authority of this Court, and with the consent of the said trustee Cook, &c.

After which it was agreed, that no re-sale was to be made until the auditor had stated an account ascertaining the balance due from the estate of Booth, the former purchaser; and that thirty